

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Transportation and Homeland Security, to which was referred House Bill No. 1254, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 9-13-2-1.1 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2004]: **Sec. 1.1. "Act", for purposes of IC 9-24-6.5, has the**
6 **meaning set forth in IC 9-24-6.5-1.**

7 SECTION 2. IC 9-13-2-1.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2004]: **Sec. 1.5. "Administration", for purposes of IC 9-24-6.5,**
10 **has the meaning set forth in IC 9-24-6.5-2.**

11 SECTION 3. IC 9-24-6-11.5 IS ADDED TO THE INDIANACODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2004]: **Sec. 11.5. (a) This section applies if the United States**
14 **Department of Homeland Security, Transportation Security**
15 **Administration adopts regulations concerning disqualifying**
16 **offenses.**

17 **(b) The bureau shall revoke the hazardous materials**
18 **endorsement of a driver who:**

19 **(1) receives a judgment or conviction for a disqualifying**

1 offense (as defined in the regulations described in subsection
 2 (a)) immediately upon receiving notice of the judgment or
 3 conviction; or

4 (2) is determined by the United States Transportation
 5 Security Administration to be a potential security threat;
 6 and shall give notice to the driver that the endorsement has been
 7 revoked and of the procedure by which the driver may appeal the
 8 revocation.

9 (c) The revocation of the hazardous material endorsement of
 10 a driver revocation under subsection (b) is for the period set forth
 11 under the regulations described in subsection (a).

12 SECTION 4. IC 9-24-6-12, AS AMENDED BY P.L.123-2002,
 13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2004]: Sec. 12. (a) A driver who:

15 (1) is:

16 (A) convicted of an offense described in section 8(1) through
 17 8(4) or 8(6) of this chapter; or

18 (B) found to have violated section 8(7) of this chapter; and

19 (2) has been previously convicted in a separate incident of any
 20 offense described in section 8(1) through 8(4) or 8(6) of this
 21 chapter;

22 is disqualified for life from driving a commercial motor vehicle.

23 (b) A driver who applies for a hazardous materials endorsement and
 24 has been convicted of:

25 (1) a felony under Indiana law that results in serious bodily injury
 26 or death to another person; or

27 (2) a crime in any other jurisdiction in which the elements of the
 28 crime for which the conviction was entered are substantially
 29 similar to the elements of a felony described in subdivision (1);

30 is disqualified for life from holding a hazardous materials endorsement.

31 (c) The hazardous materials endorsement of a driver who holds a
 32 hazardous materials endorsement and is convicted of a:

33 (1) felony under Indiana law that results in serious bodily injury or
 34 death to another person; or

35 (2) crime in any other jurisdiction in which the elements of the
 36 crime for which the conviction was entered are substantially
 37 similar to the elements of a felony described in subdivision (1);

1 is revoked upon conviction, and the driver is disqualified for life from
2 holding a hazardous materials endorsement.

3 **(d) The hazardous materials endorsement of a driver may be**
4 **revoked and the driver may be disqualified from holding a**
5 **hazardous materials endorsement if the revocation and**
6 **disqualification are required under regulations adopted by the**
7 **United States Department of Homeland Security, Transportation**
8 **Security Administration.**

9 SECTION 5. IC 9-24-6.5 IS ADDED TO THE INDIANA CODE AS
10 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,
11 2004]:

12 **Chapter 6.5. Hazardous Material Endorsement Application and**
13 **Renewal**

14 **Sec. 1. As used in this chapter, "act" refers to the federal**
15 **Uniting and Strengthening America by Providing Appropriate**
16 **Tools Required to Intercept and Obstruct Terrorism Act, Pub. L.**
17 **107-56, 115 Stat. 272 (2001).**

18 **Sec. 2. As used in this chapter, "administration" refers to the**
19 **United States Department of Homeland Security, Transportation**
20 **Security Administration.**

21 **Sec. 3. The bureau may adopt rules and policies necessary to**
22 **fully implement the requirements of the act and the regulations**
23 **adopted to implement the act.**

24 **Sec. 4. The bureau shall forward the information provided by**
25 **an applicant for a hazardous material endorsement to the**
26 **administration or another agency designated to receive the**
27 **information if the bureau is required to forward the information**
28 **under regulations adopted to implement the act.**

29 **Sec. 5. The bureau may:**

- 30 **(1) determine the cost to the state of procedures required to**
- 31 **comply with regulations adopted to implement the act; and**
- 32 **(2) charge a fee to applicants that is sufficient to offset the**
- 33 **cost determined under subdivision (1).**

34 **Sec. 6. (a) The hazardous materials endorsement of a driver**
35 **who applies for renewal of the endorsement may remain valid**

after the date on which the endorsement would otherwise expire if both of the following conditions are met:

(1) The application for renewal was received by the bureau at least ninety (90) days before the date on which the endorsement expires.

(2) On the date on which the endorsement expires, the bureau has not yet received the results of a background check conducted by the administration or another agency designated to conduct the background check.

(b) Except as provided in subsection (c), an extension under subsection (a) is valid for ninety (90) days after the date on which the endorsement would otherwise expire.

(c) Notwithstanding subsection (b), if the bureau receives information from the administration or another agency designated to conduct a background check that requires the bureau to revoke the hazardous materials endorsement of a driver, the bureau shall revoke the endorsement immediately upon receipt of the information.

(d) An extension under subsection (a) may be renewed until:

(1) the bureau receives the results of a background check conducted by the administration or another agency designated to conduct the background check; or

(2) further extensions are barred under regulations adopted to implement the act.

Sec. 7. An applicant whose application for a hazardous materials endorsement is denied or whose hazardous materials endorsement is revoked under IC 9-24-6-11.5 may appeal the denial or revocation under IC 4-21.5 or, if other procedures are adopted by the administration or another agency of the United States, under the other procedures."

Page 1, line 12, delete ":".

Page 1, line 13, delete "(A)".

Page 1, run in lines 12 through 13.

Page 1, line 14, delete "; and" and insert ".".

Page 1, delete line 15.

Page 2, delete lines 12 through 39, begin a new paragraph and insert:

"SECTION 7. IC 9-27-4-4 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To establish or operate a
commercial driver training school, the school must obtain a license
from the bureau in the manner and form prescribed by the bureau.

(b) **Subject to subsection (c)**, the bureau shall adopt rules under
IC 4-22-2 that state the requirements for obtaining a school license,
including the following:

- (1) Location of the school.
- (2) Equipment required.
- (3) Courses of instruction.
- (4) Instructors.
- (5) Previous records of the school and instructors.
- (6) Financial statements.
- (7) Schedule of fees and charges.
- (8) Character and reputation of the operators and instructors.
- (9) Insurance in the amount and with the provisions the bureau
considers necessary to adequately protect the interests of the
public.
- (10) Other matters the bureau prescribes for the protection of the
public.

**(c) The rules adopted under subsection (b) must permit a
licensed school to conduct classroom training in a county outside
the county where the school is located to the students of:**

- (1) a school corporation (as defined in IC 36-1-2-17);**
- (2) a nonpublic secondary school that voluntarily becomes
accredited under IC 20-1-1-6; or**
- (3) a nonpublic secondary school recognized under
IC 20-1-1-6.2;**

**if the governing body of the school corporation or the nonpublic
secondary school approves the delivery of the training to its
students.**

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding
IC 9-27-4-4, as amended by this act, the bureau of motor vehicles
shall carry out the duties imposed upon it under IC 9-27-4-4, as
amended by this act, under interim written guidelines approved by**

- 1 **the commissioner of the bureau of motor vehicles.**
- 2 **(b) This SECTION expires on the earlier of the following:**

1 **(1) The date rules are adopted under IC 9-27-4-4, as amended**
2 **by this act.**

3 **(2) December 31, 2004.**

4 **SECTION 9. An emergency is declared for this act."**

5 Renumber all SECTIONS consecutively.

(Reference is to HB 1254 as printed January 30, 2004.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Wyss

Chairperson